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U.S. Department of Justice

United States Attorney Southern District of New York

United States Courthouse 300 Quarropas Street White Plains, New York 10601

September 12, 2020

BY ECF

The Honorable Kenneth M. Karas United States District Judge Southern District of New York 300 Quarropas Street White Plains, NY 10601

Re: United States v. Nicholas Tartaglione, S4 16 Cr. 832 (KMK)

Dear Judge Karas:

The Government respectfully submits this letter in response to the above-referenced defendant's September 12, 2020 letter regarding conditions at the Metropolitan Correctional Center in Manhattan (the "MCC"). In that letter, defense counsel claims that yesterday the defendant was placed in a cell without a working toilet and was given a bucket to use instead of a toilet. As soon as the Government received the ECF notification of defense counsel's letter, the Government immediately called the Warden at the MCC, who immediately sent two MCC staff members to inspect the defendant's cell. Those MCC staff members reported to the MCC Warden that there is in fact a working toilet in the defendant's cell. The staff members tested that toilet's flushing ability and confirmed that the toilet does in fact flush, but noted that the flush appeared weak. In response, the MCC Warden called the institution's on-call plumber to immediately service that toilet. According to the MCC Warden, the defendant never notified any MCC staff member of any issue regarding his toilet.

The Government notes that it only learned of the defendant's complaint through defense counsel's filing on ECF. Had defense counsel immediately called the undersigned to report this concern, as the Government has repeatedly requested, this issue could have been looked into even more expeditiously. The Government will inquire of MCC legal counsel whether the defendant may receive his books and newspapers under the institution's quarantine policy.

Respectfully submitted,

AUDREY STRAUSS Acting United States Attorney

By: /s/
Maurene Comey & Jason Swergold
Assistant United States Attorneys

cc: All counsel of record (by ECF)